

## 17.05A.100 - Shoreline specific use regulations.

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### B. Aquaculture.

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6. New aquatic species that have not been previously cultivated in Washington State shall not be introduced into Island County waters without written approval from the Washington Department of Fish and Wildlife.
7. A shoreline conditional use permit is required for any new commercial aquaculture use or development including conversions from non-geoduck aquaculture to geoduck aquaculture. Any geoduck aquaculture operation that causes substantial interference with normal public use of the surface waters shall require a substantial development permit. The following standards and requirements shall apply to commercial geoduck aquaculture:

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20. In promotion of the Island County solid waste management plan and with the associated goal of eliminating marine debris, aquaculture permit applicants shall submit for approval, a solid waste reduction and recycling plan.
21. Overwater work shelters and sleeping quarters accessory to aquaculture use/development shall be prohibited.
22. Floating/hanging aquaculture structures and associated equipment shall not exceed 10 feet in height above the water's surface. The administrator may approve hoists and similar structures greater than 10 feet in height when there is a clear demonstration of need. The 10-foot height limit shall not apply to vessels.
23. Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts.
24. Proposed aquaculture applications shall submit the following information at a minimum:

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25. No pesticides, herbicides, antibiotics, vaccines, growth stimulants, anti-fouling agents, feed, chemicals or other such materials shall be used until approval is obtained from all appropriate state and federal agencies, including the U.S. Food and Drug Administration, the Washington Department of Agriculture, Washington Department of Health (WDOH), WDOE, and WDFW, and proof of such approvals has been submitted to the department.

**Commented [MP1]:** From San Juan County, adapted for Island County

### C. Beach access.

1. Beach access structures shall only be allowed where the structure would provide access to a publicly owned beach or where the party proposing the beach access structure has rights of access to the adjoining tidelands.

2. In all shoreline designations beach access structures shall be prohibited on or adjacent to exceptional marine feeder bluffs.

4. When permitted, beach access structures shall be located, designed and operated to avoid critical areas and prevent a net loss of shoreline ecological functions or processes, including, but not limited to:

- a. Habitat;
- b. Slope stability;
- c. Sediment transport; and
- d. Water quality.

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7. Public beach access structures shall conform to applicable Americans with Disabilities Act (ADA) standards.

8. When allowed, one beach access structure may be located per lot within the shoreline buffer, provided that:

- a. There is no other available public or community beach access within 500 feet (measured in a direct linear line) of the lot or lots to be served by the proposed access;
- b. The structure is the minimum size necessary to provide access;
- c. Walkways shall not be covered;
- d. The clear width of any walkway, staircase, tower, or tram shall be at least three (3) feet, and not exceed five (5) feet;
- e. Landings may not exceed fifty (50) square feet each, except that for public access structures, a mid-slope resting area of up to 100 square feet may be allowed; and
- f. The structure shall not extend more than twelve (12) vertical feet above the bank or slope.
- g. A property owner of multiple adjacent lots shall be limited a total of one beach access structure between all adjacent lots.

Commented [MP2]: TRC recommendation

9. Where not already required by the provisions of ICC 17.05A.100.J.5, and where communities of five (5) lots or more, create a shared community beach access, the following increased size limitations can be applied.

- a. The maximum clear width of a shared community walkway, staircase, tower, or tram shall be six (6) feet.
- b. Landings may not exceed 100 square feet.

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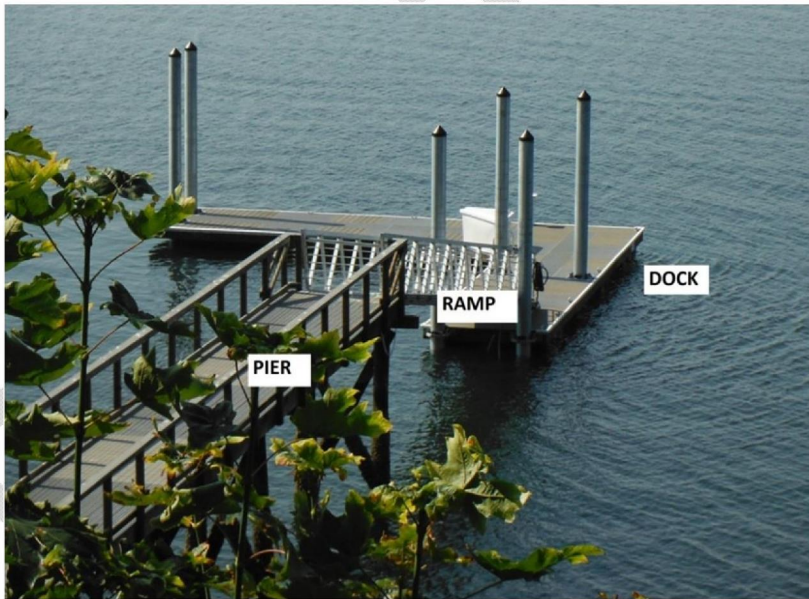
10. Beach access structures shall be prohibited if any of the following apply:

- a. The structure would adversely impact a critical area or marine feeder bluff, or increase landslide or erosion hazards; or
- b. The structure is likely to interfere with natural erosion and accretion processes; or

Commented [MP4]: TRC Recommendation

- c. The bank slope where the structure is placed is likely to require shoreline stabilization/shoreline defense works in the future to protect the beach access structure; or
  - d. Substantial bank or slope modification is required.
11. Permit applications for beach access structures shall include adequate geotechnical and biological analysis to determine whether the structure meets the standards of this section.
  12. Existing lawfully constructed nonconforming beach access structures may be repaired or replaced in kind consistent with other provisions of this Program.

**D. Moorage facilities (docks, piers, boat lifts, canopies, covered moorage, mooring buoys and floats).**



**Commented [MP5]:** From Pierce County, need to add float illustration

1. New docks, piers, and floats shall be limited to the minimum size necessary for water-dependent uses, public access, or ecological restoration.
2. New docks, piers, and floats shall be located and designed in a manner so as not to interfere with shoreline processes.
3. The location and design of new or replaced docks, piers, and floats, as well as the subsequent use, shall minimize adverse effects to fish, shellfish, wildlife, and water quality and shall not result in a net loss of shoreline ecological function. Unavoidable impacts shall be mitigated consistent with the mitigation sequence of section 17.05A.090.C.7.

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**Commented [GJ7]:** Added per consultant recommendation



4. New or replaced docks, piers, and floats shall be located, designed, and operated so as not to interfere with rights of adjacent property owners, navigation, or adjacent water uses.
5. All docks, piers, and floats shall be constructed consistent with state and federal requirements.
6. New or replaced docks, piers, and floats associated with single-family residences shall not be approved unless the following information has been provided:
  - a. Demonstrate by submitting documentation including but not limited to a written narrative, photographs and vicinity maps that existing shared, public or community facilities are not adequate or available for use; and
  - b. Indicate by submitting documentation including but not limited to a written narrative, feasibility studies, photographs, correspondence with neighboring property owners, and vicinity maps that a multiple-owner or multiple-user facility has been thoroughly investigated and is not feasible.
7. Each dock, pier, or float proposal shall be evaluated on the basis of multiple considerations, including but not necessarily limited to the potential and cumulative impacts on littoral drift, sand movement, water circulation and quality, fish and wildlife, navigation, scenic views, and public access to the shoreline and the best available background information on tidal currents, wave height, and prevailing storm wind conditions.
8. New docks, piers, and floats associated with residential uses on marine waters shall be the minimum size required to provide for moorage. Single family piers or docks shall not exceed ninety (90) feet in length measured perpendicularly from the OHWM. Shared moorage may extend up to 110 feet in length if demonstrated to be necessary to provide adequate moorage.
9. New piers, docks, and floats on marine waters shall have a maximum width of four (4) feet and a maximum walkway width of four (4) feet.
10. Overwater surfaces shall meet the functional grating requirements of WAC 220-660-380.
11. For new docks, piers, and floats associated with residential uses on lakes, the maximum waterward intrusion of any portion of any pier or dock shall not extend further waterward than the average intrusion of the piers, docks, and floats on lots abutting the location of the new dock as measured perpendicularly from the OHWM unless an alternative dimension is required to prevent impacts to critical habitat or navigation. In no circumstances shall the maximum waterward intrusion of any portion of the pier, dock, or float extend more than sixty (60) feet from the OHWM, or the point where the water depth is eight (8) feet below the OHWM, whichever is reached first.
12. New piers, docks, or floats on lakes shall have a maximum width of four (4) feet, or five (5) feet for shared docks.
13. Pier skirting is prohibited.
14. Existing docks, piers, or floats that are non-conforming to the current required dimensional standards may be replaced or reconstructed to the existing dimensions, provided they are consistent with all other performance standards of this section and

Commented [MP8]: Consultant recommendation



the standards of the U.S. Army Corps of Engineers and the Washington State Department of Fish and Wildlife and shall include measures that increase light transmission through the deck, maximize the height of piers above the water surface, reduce the overall number or size of piles, enhance the shoreline vegetation, and minimize impacts on shallow-water habitat.

15. For commercial and industrial uses, docks, piers, and floats are only allowed for water dependent uses and shall be the minimum size necessary to accommodate the proposed use.
16. Commercial and industrial docks upon which toxic or flammable materials are handled or stored shall make adequate provisions to minimize the probability of spill. Adequate provision shall be made to control accidental spills that do occur.
17. Docks, piers, or floats associated with marinas shall make adequate provisions for parking, fueling, sewage pump-out, and liquid and solid waste disposal.
18. All new or replaced docks, piers, floats, and similar devices shall be designed and located so as not to be a hazard to navigation and so marked as to prevent a hazard to navigation at any time during the day or night.
19. All floats and floating docks shall include stops to keep the floats off the tidelands at low tide.
20. For waterfront subdivisions, planned residential developments, multi-family residences, and inns, established after the adoption of Chapter 17.03 ICC, only joint use docks and piers may be permitted.
21. Unsafe docks, piers, and floats shall be removed or repaired by the owner at the earliest possible convenience, not to exceed ninety (90) days.
22. Covered moorage associated with nonresidential docks, piers, and floats shall be prohibited.
23. Covered moorage associated with single-family residential development shall be prohibited.
24. New and replaced docks, piers and floats, with the exception of those in the Canal Communities of Lagoon Point, Sandy Hook and Mariners' Cove, shall comply with the following design standards:
  - a. Designed and constructed to avoid or, if that is not possible, to minimize shading and other impacts on nearshore habitats and processes;
  - b. Pilings must be structurally sound prior to placement in the water;
  - c. When plastics or other non-biodegradable materials are used in float, pier, or dock construction, containment features in the design of the structures shall be required;
  - d. Docks, piers, and floats shall be spaced and oriented to shoreline in a manner that minimizes hazards and obstructions to navigation, fishing, swimming, and pleasure boating;
  - e. Overhead wiring or plumbing is not permitted on piers, docks, or floats;

**Commented [MP9]:** Reevaluate per ECY comments.

**Commented [MP10]:** From Jefferson County, adapted for Island County

**Commented [GJ11R10]:** Considering there is a large amount of covered moorage in Sandy Hook, a conditional use in SRCC might be appropriate.

- f. Dock lighting shall be designed to shine downward but not on the surface of the water, be of low wattage, and shall not exceed a height of three (3) feet above the dock surface;
  - g. All construction-related debris shall be disposed of properly and legally. Any debris that enters the water shall be removed promptly;
  - h. Where feasible, floats shall be secured with anchored cables in place of pilings; and
  - i. Piles, floats or other members in direct contact with water shall be approved by applicable federal and state agencies for use in water and shall not be treated or coated with biocides such as paint, or pentachlorophenol. Use of arsenate compounds or creosote treated members is prohibited. Steel is preferred.
- 25. A local canal community dock master plan may be permitted as a shoreline conditional use for a duration of six (6) years for the communities of Lagoon Point, Sandy Hook and Mariners' Cove. Once adopted, new and replaced docks, piers and floats in the Canal Communities that comply with the standards of the master plan and are adjacent to the canal would be allowed as permitted uses. An approved master plan would be required to contain, at a minimum, the following:
  - a. Dock, pier and float dimensional standards;
  - b. Standards for light penetrating materials (e.g., grating);
  - c. Standards for materials that touch the water, specifying that they must be approved by applicable federal and state agencies for use in water and not treated or coated with biocides such as paint, creosote or pentachlorophenol; and
  - d. Protections for existing shoreline ecological functions, views, and navigation.
- 26. Through the conditional use process, dimensional standards may be established as part of an approved canal community dock master plan that differ from those for docks, piers, and floats in other parts of the county as provided in section 17.05A.100.D.
- 27. Private docks, piers, and floats in the canal communities that face the open waters of the Puget Sound shall comply with the general requirements for docks, piers, and floats in section 17.05A.100.D.
- 28. Prior to adoption of a local canal community dock master plan, private docks and piers shall be permitted as conditional uses in the canal communities of Lagoon Point, Sandy Hook, and Mariners' Cove, provided that:
  - a. New or replaced docks and piers use materials that touch the water that are approved by applicable state agencies for use in water and are not treated or coated with biocides such as paint, creosote or pentachlorophenol;
  - b. Repaired or replaced docks do not increase the total area of overwater coverage and do not extend beyond the average length of the two (2) closest adjacent docks; and
  - c. New docks do not exceed the average overwater area of the two (2) closest docks, and the length of the dock, pier, or float does not extend beyond the average length of the two (2) closest adjacent docks, piers, or floats.

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29. Private recreational floats shall be placed offshore no farther than 200 feet beyond extreme low tide or the line of navigability, whichever is closest to shore.

a. Private recreational floats shall not provide boat moorage.

b. Private recreational floats shall not exceed 150 square feet.

c. Private recreational floats shall be located at least 10 feet from side property lines, unless they are designated as joint use structures serving two or more adjoining shoreline properties.

d. Only one private recreational float may be approved per shoreline parcel.

e. private recreational float anchors shall not impact benthic habitat.

**Commented [MP13]:** From San Juan County, adapted for Island County

**Commented [MP14]:** ECY recommendation

**Commented [MP15]:** Per ECY: It looks like this SMP will allow boat lifts and canopies in addition to a dock. If so, please ensure the CIA/NNL documentation is sufficient or update if necessary.

### 30. Boat Lifts and Canopies

a. Boat lifts and canopies shall be placed as far waterward as possible in water with a depth of six (6) feet or greater, and no less than 30 feet waterward of OHWM. No more than one (1) boat lift shall be located on any residential lot.

(i) Replacement boat lifts can be located in the same location, but where feasible should be relocated in water depth six feet or greater.

(ii) Feasibility limitations include bathymetry, existing overwater structures, or conflicts with adjacent properties

b. One canopy per residential lot that is associated with a legally established boat lift may be permitted through a local canal community dock master plan. Canopies established through a local canal community dock master plan must be made of light permeable fabric.

### 31. Boathouses

a. Within the Shoreline Residential Environment one (1) boathouse per residential lot may be permitted provided that all of the following are met.

(i) The boathouse is used to store watercraft and shall not be used as or converted to a dwelling unit; and

(ii) The boathouse has a maximum footprint of 300 square feet and a maximum height of 15 feet above average grade; and

(iii) The primary doorway/entryway faces the water; and

(iv) The structure is located entirely landward of the ordinary high water mark.

**Commented [MP16]:** Per ECY: This seems to be a new structure allowed within the setback/buffer? If so, please ensure the CIA/NNL documentation is sufficient or update if necessary.

**Commented [GJ17]:** Per Watershed Co, should address boat rails, private boat launches, etc.

**Commented [GJ18]:** Jefferson County, adapted for Island County

## E. Boating facilities (marinas, boat launches, and floatplanes).

**Commented [MP19]:** Moved to moorage facilities, 100.D above

### 1. Marinas and float plane bases.

a. Marinas are a permitted use in the aquatic designation where adjacent uplands are designated high intensity and as conditional uses where adjacent uplands are designated Rural Conservancy, Urban Conservancy and Shoreline Residential.

b. Marinas are prohibited adjacent to the Natural designation. Float plane bases are prohibited in the aquatic zone adjacent to the natural and rural conservancy designations.



- c. Floatplane bases shall comply with all applicable use requirements relating to marinas.

## 2. Public Boat Launches.

- a. Public and community boat launches may be permitted when they are located, designed, and constructed in a manner that avoids or minimizes adverse impacts on coastal or fluvial processes, biological functions, aquatic and riparian habitats, water quality, navigation, area aesthetics, or neighboring uses. When permitted, public and community boat launches shall be:

- (i) Located in areas where there is adequate water mixing and flushing action to ensure that minor discharges from normal operation of marine engines does not harm local shoreline ecology;
- (ii) Designed so as not to retard or reduce natural shoreline flushing characteristics or littoral drift;
- (iii) Designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available;
- (iv) Designed so that existing or potential public access along beaches is not blocked or made unsafe, and so that public use of the surface waters is not unduly impaired;
- (v) Designed in accordance with generally accepted coastal engineering principles and boating industry standards; and
- (vi) Developed and maintained to support waterfront access for watercraft. In those limited instances where separate or associated uses are permitted, other than restrooms or septic facilities, only uses that are water-dependent or afford public access uses shall be approved.

- b. Public boat launches shall provide adequate restroom and sewage and solid waste disposal facilities in compliance with applicable health regulations.
- c. When overwater development is proposed in association with a public boat launch facility, it may be permitted only where such use requires direct water access.
- d. Public and community boat launches shall be located and designed to prevent traffic hazards and minimize traffic impacts on nearby access streets.
- e. Public boat launch sites shall include parking spaces for boat trailers commensurate with projected demand and shall comply with the transportation provisions of this Shoreline Master Program.

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- r. Marinas shall be subject to the design standards for docks, piers, and floats in section 17.05A.110.B and the non-residential design, landscape and screening guidelines of section 17.03.180.P.
- s. When reviewing proposals for new or expanded marina facilities, the county shall require the proponent to prepare and implement appropriate technical studies

and plans that are not already required via another regulatory review process. Examples of studies and plans that may be required include, but are not limited to:

- (i) A maintenance plan for maintaining pump-out and waste/sewage disposal facilities and services.
- (ii) A spill response plan for oil and other spilled products. Compliance with federal or state law may fulfill this requirement.
- (iii) An operational plan that, at a minimum, describes procedures for fuel handling and storage; measures, including signage, for informing marina users of applicable regulations; measures for collecting garbage and recyclables; measures and equipment for ensuring public safety.
- (iv) A visual assessment of views from surrounding residential properties, public viewpoints, and the view of the shoreline from the water surface.
- (v) An assessment of existing water-dependent uses in the vicinity including but not limited to, navigation, fishing, shellfish production and harvest, swimming, beach walking, and picnicking and shall document potential impacts and mitigating measures. The county shall evaluate impacts on these resources and impose specific conditions to mitigate impacts as necessary.

**Commented [MP20]:** From Jefferson County, adapted for Island County

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#### **F. Commercial development.**

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6. Non-water-oriented commercial uses are prohibited in shoreline jurisdiction unless they meet the following criteria:

- a. The site is physically separated from the shoreline by another property or public right-of-way; or
- b. The use is part of a mixed-use project that includes an associated water-dependent use; or
- c. Navigability is severely limited at the proposed site; or
- d. The commercial use provides a significant public benefit in the form of public access or ecological restoration; or
- e. The commercial use is a home occupation and is therefore accessory to the use of the property as residential.

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16. Applications for commercial development shall include a detailed statement explaining the nature and intensity of water orientation of the proposed activity. Such statement shall include the following:

- a. Nature of the commercial activity;

- b. Need for shoreline frontage;
- c. Special considerations being planned to enhance the relationship of the activity to the shoreline and to mitigate adverse effects;
- d. Provisions for public visual or physical access to the shoreline.

17. Accessory developments and uses such as warehousing, outdoor storage, waste storage and treatment, stormwater runoff control facilities, and utilities that do not require a shoreline location must be located landward of OHWM.

**Commented [MP21]:** From San Juan County, adapted for Island County

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#### G. Forest Practices

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6. All allowed forest practices in shorelines shall comply with the following:

- a. Forest practices, including construction of logging roads, on slopes that exceed thirty-five (30) percent shall require a conditional use permit;
- b. Forest practices within Island County's shorelines shall maintain critical area buffers consistent with section 17.05A.090.D as well as chapters 17.02 and 17.02A;
- c. Disposal or removal of accumulations of slash and other debris shall be conducted in a safe manner and minimize impacts to the environment and to neighboring properties. Slash burning shall be conducted according to best management practices, including compliance with burn bans during high fire hazard conditions;
- d. For shoreline areas having scenic qualities, such as those providing a diversity of views, unique landscape contrasts or landscape panoramas, the Shoreline Administrator may restrict removal of trees to maintain the quality of scenic views;
- e. Seeding, mulching, matting, and replanting shall be required where necessary to ensure soil stability on areas that have been logged. Replanted vegetation shall be of native plants appropriate to site conditions; and
- f. All logging operations shall protect the adjacent and downstream shorelands against erosion, uncontrolled drainage, slides, pollution, excavations and fills and other factors detrimental to the environment.

7. A forest practice that only involves timber cutting is not a development under the Act and does not require a shoreline substantial development permit or a shoreline exemption. A forest practice that includes activities other than timber cutting may be a development under the Act and may require a substantial development permit, as required by WAC 222-50-020

#### H. Industry.

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#### I. Residential



1. All residential use and development should be properly managed to avoid damage to the shoreline environment and prevent cumulative impacts associated with shoreline armoring, overwater structures, stormwater runoff, septic systems, introduction of pollutants, and vegetation clearing.
2. Subdivision of property for residential development is subject to the density limits in the underlying zone described in chapter 17.03 and the following maximum density limits, whichever is more restrictive:
  - a. **Aquatic.** Subdivision for residential purposes is prohibited, but tidelands may be subdivided for conservation purposes or public acquisition from adjacent uplands, with no limit on lot size;
  - b. **Natural.** One (1) unit per five (5) acres;
  - c. **Rural conservancy.** One (1) unit per five (5) acres;
  - d. **Urban conservancy.** Four (4) units per acre;
  - e. **Shoreline residential.** Four (4) units per acre;
  - f. **High intensity.** Subdivision for residential purposes is prohibited.
3. Those lands waterward of the ordinary high water mark and within the boundaries of any waterfront parcel shall not be used to compute required lot area, and lot dimensions.
4. Lots which are partially located within shoreline jurisdiction may be subdivided at the shoreline jurisdiction boundary or landward thereof as long as the following criteria are met:
  - a. the resulting lot which is outside of shoreline jurisdiction, meets the minimum lot size and density restrictions of chapter 17.03 ICC; and
  - b. the resulting lot which is within shoreline jurisdiction, meets the minimum lot size for the specific environmental designation as outlined in this section, ICC 17.05A.090.I.
5. Residential development shall not be permitted seaward of the ordinary high water mark. Live-aboard vessels and houseboats licensed as vessels are restricted to approved marinas only. Floating homes are prohibited.
6. Public access to publicly owned shorelines shall be maintained. When properties are subdivided or developed with residential uses, survey markers and signage shall be placed indicating the location of any adjacent public right-of-way or easement providing access to the shoreline.
7. Subdivisions containing five (5) or more lots shall provide public access in accordance with section 17.05A.090.M.
8. Subdivisions and all individual residential structures, appurtenances, and accessory structures shall be designed to ensure that surface runoff does not pollute adjacent waters or cause soil or beach erosion either during or after the construction phase.
9. Subdivisions containing marshes, swamps, lagoons, portions of floodplains, or similar wetlands shall use those areas only for the purposes of parks, open space, or recreation facilities as permitted by chapters 17.02 and 17.02A.

**Commented [MP22]:** From Mason County, adapted for Island County

**Commented [MP23]:** ECY recommendation

10. Construction of residential structures, appurtenances, accessory structures and amenities shall not be detrimental to the geohydraulic processes occurring within the shoreline corridor.
11. Residential structures located waterward of the ordinary high water mark are not permitted. Residential structures located in wetlands or their buffers...
12. Residential structures shall only be located upon geologically hazardous areas (as defined in chapter 17.02A) if in compliance with the bluff setback standards and conditions contained in chapter 11.02 or set back fifty (50) feet from the top of a bank greater than 100 feet in height, whichever is more restrictive.
13. The following shoreline setbacks shall be applied to residential development:
  - a. All residential development shall comply with the buffer requirements of section 17.05A.090 and the critical areas buffers established in chapters 17.02 and 17.02A.
  - b. A greater setback may be required if necessary to comply with the grading, geologically hazardous area, erosion control and drainage requirements of chapter 11.02 and chapter 11.03 and the critical areas regulations contained in chapters 17.02 and 17.02A.
14. Normal appurtenances may be located within the shoreline setback so long as they do not obstruct the water view corridor of adjacent waterfront primary residences and are not located within the standard shoreline buffer.
15. New residential development shall be designed and built in a manner that avoids the need for structural shore armoring and flood hazard reduction over the life of the development in accordance with section 17.05A. 090.L, flood control structures, and section 17.05A.110.A, shoreline stabilization, of this Shoreline Master Program and other applicable plans and laws.
16. Subdivision for residential development shall provide sufficient lot depth for development to occur without the need for shoreline stabilization for the life of the development.
17. Creation of new residential lots through land division shall be designed, configured and developed to ensure that no net loss of ecological functions and processes occurs from the plat or subdivision, even when all lots are fully built out.
18. Subdivision of land within the Natural designation shall be restricted to the creation of new parcels with a minimum lot size of five (5) acres and a minimum shoreline frontage of 330 feet within shoreline jurisdiction. The 330 feet lot width standard may be modified to accommodate aliquot sections.
19. Building buffers and setbacks from shorelines consistent with the requirements of this Shoreline Master Program and chapters 17.03 and 17.02 shall be established as conditions of preliminary plat approval in all new waterfront subdivisions. A plat restriction shall specify the required setbacks and all building buffers and setbacks shall be shown on the face of the plat.
20. Septic drainfields which are proposed for lots upon feeder bluffs or within 100 feet of any geologically hazardous areas should be designed and located so as to discharge leachate as far as practically possible away from the bluff face.

**Commented [MP24]:** Evaluate shoreline permitting process for development in wetlands and wetland buffers

21. Additions to legally established residences shall not be located seaward from the applicable setback and shall conform to applicable shoreline regulations as well as other applicable county and state regulations. For purposes of this section "residence" shall mean the primary residential structure on the property and attached or detached guest cottages.
22. Natural vegetation between the OHWM and the top of banks and bluffs ten (10) feet or higher shall be retained, except for removal necessary for view enhancement consistent with ICC 17.05A.100.N.8 and 9 of this Shoreline Master Program, removal of hazardous, diseased or damaged trees when they pose a threat to a permitted structure consistent with ICC 17.05A.100.N.10 and to allow for pedestrian waterfront access. Removal of invasive non-native species is authorized.
23. In shorelines designated natural, a 150-foot buffer shall be required wherein only limited tree limbing of no greater than twenty (20) percent of the tree crown for view corridor purposes is allowed consistent with ICC 17.05A.100.N.8 and 9. The native vegetation buffer shall be designated on the site plan, approved by the Shoreline Administrator and recorded with the County Auditor.
24. Beach access structures for residential uses.
- a. Joint use beach access structures shall be preferred in areas of existing residential subdivisions located on unstable slopes, marine feeder bluffs or other geologically hazardous areas. Applications for facilities serving more than one parcel, under the same or different ownership shall include documentation of all parcel property owners that would share the facility. Prior to construction or installation, the owners shall record with the County Auditor a joint-use agreement that will appear on the titles of all parcels sharing the facility. The agreement should address apportionment of responsibilities/expenses, easements, liabilities, and use restrictions.
  - b. Beach access structures located adjacent to fish and wildlife habitat conservation areas that include over water structures, landings that require fill or shore protection structures, shall only be allowed as a shoreline conditional use.
  - c. Beach access structures located in the natural designation shall be permitted for public use purposes and allowed as a shoreline conditional use for private access.
  - d. Normal appurtenances and beach access structures shall conform to the following criteria:
    - (i) They shall be located and designed in such a manner so as to not require shoreline stabilization over the life of the structure, including the installation of bulkheads solely for the purpose of protecting new appurtenances.
    - (ii) They are designed and located to avoid unstable slopes, eroding bluffs and other geologically hazardous areas.
    - (iii) They are designed and located in such a manner to minimize the loss of existing vegetation.

**Commented [MP25]:** From Pierce County, adapted for Island County



(iv) Beach access structures which require any land disturbing activity within the shoreline setback area must comply with the requirements of the county's land development standards.

(v) They shall be designed in such a manner to minimize their impact on shoreline functions and so as to not interfere with normal littoral drift and movement of sediments to and along the shore and shall be located as far landward of the OHWM as practical.

(vi) Beach access structure landings shall be limited in size to that necessary for minimum safe access to the beach and shall not constitute a deck.

25. Deck structures, uncovered, for residential uses.

- a. Decks are considered accessory structures which can allow for stormwater runoff to seep into the soil, however, they are structures which also impact the shoreline environment.
- b. Decks with at least 1/8" gap between boards, with pervious surface underneath, are considered pervious.
- c. Replacement Decks: A legally established existing deck that is located within the marine or steep slope buffer and/or shoreline/building setback may be replaced within the same footprint and elevation off grade; such replacement will not require buffer enhancement per ICC 17.05A.090.G.
- d. Expansions to Existing Decks:
  - (i.) Within the shoreline setback (landward of the marine buffer), any proposed expansion to an existing deck shall not be located seaward of the existing deck.
  - (ii.) Any expansion greater than 200 square feet shall require an enhancement area equal to the area of the expansion with native vegetation within the marine buffer per ICC17.05A.090.G.
- e. New decks:
  - (i.) Within the marine buffer or steep slope buffer new decks are not allowed unless approved as part of a Shoreline Variance.
  - (ii.) Within the shoreline setback (landward of the marine buffer), new decks shall require the applicant to enhance an area of the marine buffer with native vegetation that is equal to the total square footage of the deck per ICC17.05A.090.G and H.
  - (iii.) Within the shoreline setback new decks less than thirty (30) inches in height may be allowed
  - (iv.) Within the geologically hazardous area (within 100ft landward of the top of the slope) new or expanded decks shall comply with ICC 11.02.
  - (v.) Within the shoreline/building setback (landward of the steep slope buffer) new decks shall meet the requirements of ICC 11.02 and shall enhance an area of equal to the deck size.

(vi.) Within the shoreline/building setback (landward of the steep slope buffer) buffer enhancement for new decks shall be planted within the steep slope buffer, within the area 15-25ft landward from the top of the slope. Buffer enhancement shall comply with the requirements of ICC17.05A.090.G & H, (excepting ICC17.05A.090.H.1b) and may also be placed partly or wholly within the marine buffer if deemed appropriate and feasible.

(vii.) Careful installation and maintenance of any required vegetation within the steep slope buffer is recommended to avoid any erosion or destabilization of the bluff/slope.

25. Public access for residential development shall be required as follows:

...

#### J. Signs.

1. Recognized or officially delineated vistas or viewpoints shall not be blocked or obstructed by signs, unless required for public safety or to identify public access.
2. Signs identifying shoreline public access are allowed in shoreline jurisdiction and are exempt from obtaining a shoreline substantial development permit.
3. Off-premises outdoor advertising, signs, and billboards shall not be permitted in the shoreline jurisdiction.
4. On-premises advertising signs shall be constructed against, or painted on buildings to minimize visual or access obstruction to or of the shoreline.
5. On-premises signs shall not extend in height above the highest exterior wall of the building to which the sign relates. Signs shall not be erected upon the roofs of structures.
6. Artificial lighting for signs shall be directed or beamed downward where feasible and away from the water, public street, or adjacent premises so as not to cause glare or reflection that may constitute a traffic or boating hazard or nuisance.
7. In addition to the above requirements, the standards of 17.03.180.R shall apply.

...

### 17.05A.110 - Shoreline modification regulations.

#### A. Shoreline stabilization.

1. Regulations for all shoreline stabilization. Shoreline stabilization may be permitted only when the application demonstrates all of the following:
  - a. The erosion creating the need for shoreline stabilization is not caused by upland conditions on the project site, such as the loss of vegetation or modification of drainage;
  - b. The proposed shoreline stabilization is designed to minimize interruption of fish and wildlife habitats through the use of the least impacting alternative type of shoreline stabilization practicable. In order of priority from least to greatest impact, subject to site-specific conditions, alternatives include but are not limited to:

- (i) Taking no action (allow the shoreline to retreat naturally);
  - (ii) Upland drainage control;
  - (iii) Vegetation protection, enhancement, and replacement;
  - (iv) Relocation of improvements or structures;
  - (v) Beach nourishment;
  - (vi) Large woody material placement;
  - (vii) Soft shore protection methods—at least eighty (80) percent of the project must be constructed of naturally-occurring materials used in ways that are consistent with current nearshore processes;
  - (viii) Upland retaining walls;
  - (ix) Bulkheads and rock revetments placed landward of the OHWM;
  - (x) Individual rock placement located at the OHWM; and
  - (xi) Bulkheads and rock revetments located at the OHWM.
- c. The proposed shoreline stabilization will minimize interference with hydrological and geomorphological processes normally acting in natural conditions.
  - d. New development that would require shoreline stabilization which causes significant impacts to adjacent or down-current properties and shoreline areas is prohibited.
  - e. Adequate mitigation measures will be provided to maintain existing shoreline processes and critical fish and wildlife habitat, and ensure no net loss of ecological functions.
  - f. Shoreline stabilization will not be used for the direct or indirect purpose of creating land waterward of the OHWM. When replacement fill is required behind an existing shoreline stabilization structure, it shall not extend beyond the OHWM unless otherwise permitted in compliance with this Program.
  - g. On marine feeder bluffs, shoreline stabilization may be permitted only when it is demonstrated by a professional engineer or geologist that construction will not substantially disrupt the beach feeding action or littoral drift.
  - h. Shoreline stabilization is prohibited for the purposes of leveling or extending property or creating or preserving residential lawns, yards, or landscaping.
  - i. Construction of new shoreline stabilization to protect a platted lot where no primary use or structure presently exists shall be prohibited except as provided in section 17.05A.110.A.4.d.. Replacement of existing structural shoreline stabilization to protect a lot where no primary use or structure presently exists will be evaluated using the same criteria as other replacement stabilization..
  - j. Public access, consistent with section 17.05A.090.M, is required, where feasible, as part of any shoreline stabilization construction or replacement project on public land or using public funds.

Commented [MP26]: TRC and ECY recommendation

## 2. Summary Table of Shoreline Stabilization Requirements



	Structural (Hard) Shoreline Stabilization			Soft Shoreline Stabilization		
	New <sup>1</sup>	Replacement <sup>2</sup>	Repair <sup>3</sup>	New <sup>1</sup>	Replacement <sup>2</sup>	Repair <sup>3</sup>
<b>Biological Site Assessment<sup>4</sup></b>	Required	Required	Not Required	Required	Required	Not Required
<b>Geocoastal Analysis<sup>5</sup></b>	Required	Required	Not Required	Required	Required	Not Required
<b>Demonstration of Need<sup>6</sup></b>	Required	Required	Not Required	Required	Not Required	Not Required
<b>Alternatives Analysis<sup>7</sup></b>	Required	Required	Not Required	Required	Not Required	Not Required

**Commented [MP27]:** Per ECY: Stabilization replacement requires a demonstration of need per WAC 173-26-231(3)(iii)(C)

1. New shoreline stabilization shall be defined as the establishment of shoreline stabilization where legally existing stabilization is not present. Additionally, replacement of shoreline stabilization shall be regulated as new when:
  - (a) replacement is not the common method of repair for the stabilization; or
  - (b) the replacement stabilization is not comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance; or
  - (c) the replacement causes substantial adverse effects to shoreline resources or environment.
2. As defined in ICC 17.05A.070.
3. As defined in ICC 17.05A.070.
4. Consistent with the requirements of ICC 17.05A.090.C.13.c.
5. Consistent with the requirements of ICC 17.05A.100.A.3.e.
6. The demonstration of need shall address the items in ICC 17.05A.110.A.3.
7. The alternatives analysis shall address the items in ICC 17.05A.110.A.1.b.

3. Demonstration of Need. When required, a demonstration of need shall address the following items.

- a. Whether the shoreline stabilization is necessary to support a project whose primary purpose is enhancing or restoring ecological functions.
- b. Whether the shoreline stabilization is necessary to remediate hazardous substances pursuant to Chapter 70.105 RCW.
- c. Whether the shoreline stabilization is necessary to protect public transportation infrastructure, existing dikes, or essential public facilities and other options are infeasible.
- d. Whether the shoreline stabilization is necessary to protect a water-dependent use and other options are infeasible.
- e. Credible evidence, through preparation of a geotechnical analysis by a qualified professional that the primary structure or appurtenance is in danger of damage from shoreline erosion caused by tidal action, currents, or waves. The evidence shall:

**Commented [A28]:** Moved from section on new shoreline stabilization below

- (i) Demonstrate that the erosion is not due to landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope;
  - (ii) Demonstrate a significant possibility that the primary structure or appurtenance will be damaged within three (3) years based on a trend analysis of prior rates of erosion as a result of shoreline erosion in the absence of such hard armoring measures, or where waiting until the need is that immediate would foreclose the opportunity to use measures that avoid impacts on ecological functions;
  - (iii) Demonstrate that the shoreline stabilization would not adversely affect the property of others by changing rates of sediment, redirection of wave energy, or impoundment of or redirection of floodwater or tidal action; stabilization that would cause significant impacts to adjacent or down-current properties and shoreline areas is prohibited; and
  - (iv) Include an assessment of on-site drainage and vegetation characteristics and their effects on slope stability.
  - (v) Where a geotechnical assessment or coastal engineering analysis confirms a need to prevent potential damage to a primary structure, but the need is not as immediate as the three years, the report may still be used to justify more immediate authorization to protect against erosion using soft measures.
- f. The proposal is the minimum necessary to protect the primary structure or appurtenance consistent with the requirements of section 17.05A.110.A.1.b.
- g. Nonstructural measures, planting vegetation, or installing on-site drainage improvements, are not feasible or not sufficient.

#### 4. New or expanded structural shoreline stabilization.

- a. New shoreline stabilization shall be defined as the establishment of shoreline stabilization where legally existing stabilization is not present.
- b. New structural shoreline stabilization shall be prohibited in or adjacent to lakes.
- c. Structural shoreline stabilization shall not be permitted on spits, hooks, bars, barrier beaches, or similar accretion terminals or accretion shoreforms; except when demonstrated that construction of the above shore defense devices are absolutely necessary for the protection of existing primary structures and appurtenances and mitigation consistent with section 17.05A.090.C.7 has been accomplished.

- d. On a lot within a designated canal community where the adjacent lots on both sides have a legally established bulkhead, structural shoreline stabilization may be permitted, provided:
- (i) The horizontal distance between existing bulkheads does not exceed 120 feet;

**Commented [A29]:** From Mason County, adapted for Island County

**Commented [A30]:** Moved from section on new shoreline stabilization below

**Commented [A31]:** Moved from section on new shoreline stabilization below

**Commented [A32]:** Moved above to new section 3 on demonstration of need

**Commented [MP33]:** Per ECY: We are curious about the justification for new shoreline stabilization with without the need to protect a primary structure unless use of the upland property was threatened, which in a canal community does not seem likely.

Is this a common request in to bulkhead a canal lot when no armoring is necessary to protect use of the upland property?

**Commented [GJ34R33]:** One of my current permits is this sort of request. I'll look to see how often it is requested.

- (ii) The proposed stabilization structure would be located landward of the OHWM;
  - (iii) The proposed shoreline stabilization would link with the adjacent bulkheads;  
and
  - (iv) The proposed shoreline stabilization would not adversely affect known forage fish habitat.
- e. In addition to meeting the provisions of section 17.05A.110.A.1, proposals for new or expanded structural shoreline stabilization allowed under this section shall demonstrate all of the following before a permit can be issued:
- (i) The need for the structural shoreline stabilization has been demonstrated in accordance with the criteria in ICC 17.05A.110.A.3 above,
  - (iv) The structural shoreline stabilization complies with the flood damage prevention regulations in chapter 14.02A;
  - (v) The county shall require sufficient analysis by qualified professionals with the expertise to document the impacts of shoreline modification proposals. Such analysis may include, but not be limited to, geotechnical, hydrological, and biological studies, and should include an analysis of drift cells and stormwater drainage; and
  - (vi) Adverse impacts are fully mitigated according to the prescribed mitigation sequence in section 17.05A.090.C.7 such that there is no net loss of shoreline ecological functions or processes.

5. . Existing structural shoreline stabilization.

- a. Existing structural shoreline stabilization, other than structures located in canal communities (the requirements for which are detailed in section 17.05A.110.A.5.d below), may be replaced in kind or with soft shore stabilization consistent with section 17.05A.110.A(1)(b) if the replacement is to protect public transportation infrastructure, essential public facilities, or principal uses or structures (including wastewater disposal systems) from erosion caused by currents, tidal action, or waves and the structure complies with all of the following:
  - (i) The replacement is designed, located, sized, and constructed to ensure no additional net loss of ecological functions;
  - (ii) The replacement performs the same stabilization function as the existing structure and does not require additions to or increases in size; and
  - (iii) The replacement does not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992 and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure, and construction shall extend no further waterward of the existing bulkhead than is necessary for construction of new footings.
- b. Older structures shall be removed as new structures are put in place. Exceptions may be made by the Shoreline Administrator only in cases where removal would cause more ecological disturbance than leaving the remnant structure in place.



c. When a bulkhead has deteriorated such that an OHWM has been established by the presence and action of water landward of the bulkhead then the replacement bulkhead or soft shore stabilization must be located at or near the actual OHWM.

d. In a canal community, existing bulkheads (for lots along the canals only) may be replaced with shoreline stabilization provided they meet the following:

- (i) The replacement structure is designed, located, sized, and constructed to ensure no net loss of ecological functions;
- (ii) The replacement structure performs the same stabilization function as the existing structure and does not require additions to or increases in size;
- (iii) The replacement structure is aligned horizontally with the predominant line formed by other bulkheads on the same shoreline; and
- (iv) The replacement structure is aligned vertically with the predominant height of other bulkheads on the same shoreline.

e. For each canal community, the Shoreline Administrator may approve a standard permit specifying allowable materials, structure height, backfill, and any required mitigation measures.

f. Except as outlined in items g and h below, replacement of existing structural shoreline stabilization shall be regulated as new stabilization, in any of the following scenarios.

- (i) Replacement is not the common method of repair for the type of structure or development; or
- (ii) the replacement structure or development is not comparable to the original structure or development including but not limited to its size, shape, configuration, location (other than where relocation of the structure is required due to the movement/reestablishment of the ordinary high water mark), and external appearance; or
- (iii) the replacement causes substantial adverse effects to shoreline resources or environment.

g. The director may waive the requirement for a demonstration of the need for stabilization, when structural shoreline stabilization is proposed to be replaced with soft shoreline stabilization and the replacement would result in enhancement of shoreline ecological functions or processes

h. Shoreline stabilization shall be considered existing, when one of the following types of documentation is provided. In the absence of at least one of the below listed documents, then the shoreline stabilization will be reviewed as a new structure.

- (i) An approved shoreline and/or building permit documenting the past repair/replacement of structural stabilization; or
- (ii) Dated aerial and/or oblique aerial photos showing the presence of shoreline stabilization on the subject property, prior to the Shoreline Management Act.

**Commented [MP35]:** Per ECY: Curious why replacement of existing stabilization in a canal community is different than a replacement somewhere else.

**Commented [MP36]:** From San Juan County, adapted for Island County

**Commented [MP37]:** Moved so that new stabilization comes before existing

~~chapter 14.02A~~ 6. Non-structural or "Soft" Shoreline Stabilization. In addition to the general design requirements of ICC 17.05A.110.A.8, the following design standards must be incorporated into the design of soft shoreline stabilization measures:

- a. The project must be designed to prevent increased erosion of adjacent properties. Soft shoreline stabilization projects may not include hard structural shoreline stabilization elements, with the exception of the minimum hard structural stabilization elements necessary to connect to hard structural stabilization on adjacent properties.
- b. The soft shoreline stabilization design must provide stability and dissipate wave and current energy without presenting extended linear faces to oncoming waves or currents.
- c. At least eighty (80) percent of the project must be constructed of naturally-occurring materials used in ways that are consistent with current nearshore processes.
- d. The sizing and placement of all materials must be selected to:
  - (i). Protect upland structures from erosion over the long term;
  - (ii). Ensure they will remain stable during a two-year or 50% chance flood event and under typical currents, boat wakes, and wind-driven waves including those occurring during storm events if the proposal is near a stream or drainage outlet;
  - (iii). Allow safe passage and migration of fish and wildlife;
  - (iv). Minimize the creation of juvenile salmon predator habitat, such as shallow pools and large rocks or over-water snags that can serve as perches; and
  - (v). Use sand and gravel that are suitable as spawning substrate when a proposal is on a shoreline reach with forage fish spawning habitat.
- e. Soft shoreline stabilization measures may include fill placed waterward of the OHWM to provide enhancement of shoreline ecological functions to improve the substrate condition or gradient.
- f. Applicants are encouraged to use the Washington Department of Ecology's March 2014 Shoreline Master Program Planning and Implementation Guidance: Soft Shoreline Stabilization as well as the Washington State Department of Fish and Wildlife's March 2014 Marine Shoreline Design Guidelines and any revisions thereto to plan and design soft shoreline stabilization measures.
- g. A geocoastal analysis is not required for the replacement of soft, non-structural shoreline stabilization measures with other soft measures.

7. Applications for shoreline stabilization.

- a. Permit applications for shoreline stabilization shall provide competent technical evidence that the proposed shore defense structure will perform as designed.

**Commented [A38]:** Moved above to new section 3 on demonstration of need

**Commented [A39]:** Moved to new section 3 on demonstration of need above

**Commented [A40]:** Moved to new section 3 on demonstration of need

**Commented [MP41]:** Already included in demonstration of need section

**Commented [GJ42]:** Added this provision to reflect feedback from WSC about hard elements necessary to connect to armoring on adjacent properties

**Commented [MP43]:** From San Juan County, adapted for Island County

b. Applications for shoreline stabilization shall cover the following items:

- (i) Purpose of shoreline stabilization;
- (ii) Type of construction;
- (iii) Method of construction;
- (iv) Elevation of the toe and crest of the bulkhead with respect to water levels;
- (v) Direction of net longshore drift (when appropriate);
- (vi) Normal, low and high water elevations (when appropriate); and
- (vii) Technical evidence indicating the need for the shoreline stabilization consistent with the requirements of this chapter.

c. Applications for jetties shall also provide the following:

- (i) Mitigation proposed for any impacts on longshore drift, such as beach feeding procedures; and
- (ii) Provisions for pedestrian access on the top of the jetty, unless safety factors make pedestrian access infeasible, in which case a description of the safety constraints shall be provided.

d. Applications for groins shall also provide the following:

- (i) Source and destination of material proposed to be trapped by the groin(s); and
- (ii) Mitigation proposed for any impacts on longshore drift, such as beach feeding procedures.

e. In order for a proposed bulkhead to qualify for the RCW 90.58.030(3)(e)(ii) exemption for bulkheads associated with a legally established single-family residence and to ensure that such bulkheads will be consistent with the SMP as required by RCW 90.58.140(1), the Administrator shall review the proposed design as it relates to local physical conditions and the Island County SMP and must find that:

- (i) Erosion from waves or currents is expected to cause damage to a legally established primary structure located less than 100 feet from the OHWM within three (3) years based on a trend analysis of prior rates of erosion if the shoreline stabilization is not constructed;
- (ii) The proposed bulkhead is either located landward of the OHWM or if more than fifty (50) percent of the functional value of an existing bulkhead is in disrepair and the OHWM has moved (e.g., due to bank erosion), repairs must be relocated to the present OHWM; and
- (iii) The maximum height of the proposed bulkhead is no more than one (1) foot above the elevation of extreme high water on tidal waters as determined by the National Ocean Survey published by the National Oceanic and Atmospheric Administration except in areas subject to coastal flooding as defined by FEMA and chapter 14.02A where the maximum height of bulkheads shall be no greater than necessary to resist tide, wave and floodwater action during a 100-year storm event.



8. Design regulations.

- a. Shoreline stabilization shall conform to applicable design requirements of the Washington Department of Fish and Wildlife and U.S. Army Corps of Engineers.
- b. A professional geotechnical analysis shall be required for all new or expanded shoreline stabilization structures.

- c. Professional geologic site studies or professionally engineered designs may be required for any proposed shoreline stabilization if the county determines sufficient uncertainties or potential for damage to other shoreline properties and features exist.

- d. If a bulkhead is employed as shoreline stabilization in compliance with the policies and regulations of this SMP, the following design criteria shall be met:

The size and quantity of the material shall be limited to only that necessary to withstand the estimated energy intensity of the shoreline hydraulic system;

- (ii) Filter cloth or adequate smaller filter rock shall be used to aid drainage and help prevent settling;

- (iii) The toe reinforcement or protection must be adequate to prevent a collapse of the shoreline stabilization system from wave action, overtopping, scouring, and upland erosion;

- (iv) The material used in construction shall be non-toxic to marine organisms;

- (v) When a vertical or near vertical wall is being constructed or reconstructed, not more than one (1) cubic yard of fill per one (1) foot of wall may be used as backfill, to be considered a normal protective bulkhead common to single family residences; and

- (vi) Bulkheads shall be designed to permit the passage of surface or groundwater without causing ponding or saturation of retained soil and other materials; and

- (vii) Bulkheads shall be constructed parallel to the ordinary high water mark. Wing-walls and return-walls, which do not extend waterward of the ordinary high water mark, and which can be justified under the other requirements of this section, ICC 17.05A.110.A, may be permitted.

- e. Shoreline stabilization structures that dissipate wave energy are preferred over vertical walls or concrete slabs. Where concrete slabs with vertical waterward faces are employed, adequate tiebacks and toe protection shall be provided. Design and material of shoreline stabilization structures shall be decided and based upon an analysis of alternatives; the preferred alternative will be that which balances a minimum impact to the environment and shoreline process with a structural solution that will ensure the long term viability of the shoreline stabilization structure.
- f. Riprap shall be constructed and maintained in a manner that does not have a negative long-term impact on water quality and fisheries habitat.
- g. Riprap material shall consist of clean, angular quarried rock and shall be of sufficient size and weight to prevent movement by wave or current action. The

Commented [MP44]: TRC recommendation

use of tires, automobile bodies, scrap metal, paper products and other solid waste materials is prohibited.

- h. Use of downed logs, snags or rock-work to enhance habitat and to provide a more natural appearance to the shoreline should be incorporated into the design where appropriate.
- i. Stairs or other permitted structures may be built into a bulkhead but shall not extend waterward of the face of the bulkhead.
- j. When a bulkhead is required at a public access site, provision for safe access to the water shall be incorporated into bulkhead design.

k. When a new or replaced hard structural shoreline stabilization measure is proposed on a site where legally established hard structural shoreline measures do not exist on adjacent properties, the proposed stabilization measure must tie in flush with the contours of the adjoining properties, as feasible, so that the proposed stabilization measure will not cause erosion of the adjoining properties.

l. When a new or replaced hard structural shoreline stabilization measure is proposed on a site where legally established hard structural shoreline stabilization measures exist on adjacent properties, the proposed stabilization must tie in flush with those stabilization measures. The new stabilization measure shall not extend waterward of the OHWM, except in those locations where the structure connects to the adjoining stabilization measure. The length of the hard structural shoreline stabilization transition area to adjacent properties shall be the shortest distance possible and shall not extend onto adjacent property.

B. Shoreline restoration or beach enhancement.

1. Restoration projects on marine and freshwater shoreline shall be allowed provided it is carried out in accordance with an approved project restoration plan and in accordance with the policies and regulations of this Program.
2. Restoration projects shall be designed such that there are no adverse impacts on ecological resources or functions.
3. Ecological restoration and enhancement shall be approached on a watershed basis and shall seek to promote an ecosystem or landscape approach, including integrating projects into their surrounding environments.
4. To the greatest extent feasible, ecological restoration and enhancement projects shall be protected in perpetuity. If future development proposes to impact existing ecological restoration and enhancement sites, it must be demonstrated that there are no practicable alternatives to avoid adverse impacts, and further, that adequate mitigation is provided to address unavoidable losses.
5. Ecological restoration and enhancement actions shall demonstrate that they are based on sound scientific principles and are compatible with the functions of nearby restoration and enhancement sites.
6. Beach enhancement in all designations shall be undertaken only for restoration, enhancement or maintenance of natural resources, or as a means to replace an existing shoreline stabilization structure.

**Commented [MP45]:** From San Juan County, adapted for Island County

7. Beach enhancement may be permitted when the applicant has demonstrated that no significant change in littoral drift will result which will adversely affect adjacent properties or habitats.
8. Natural beach restoration/enhancement design alternatives shall include the best available technology such as, but not limited to: gravel berms, drift sills, beach nourishment, natural revegetation and maintained plantings, deposition of drift logs and/or large woody organic debris to stabilize the backshore or protect the toe of eroding bluffs.
9. Natural beach restoration/enhancement shall not:
  - a. Detrimentally interrupt littoral drift, or redirect waves, current, or sediments to other shorelines;
  - b. Result in any exposed groin-like structures; provided that small "drift sill" groins may be used as a means of stabilizing restored sediment where part of a well planned community beach restoration program;
  - c. Extend waterward more than the minimum amount necessary to achieve the desired stabilization;
  - d. Result in contours sufficiently steep to impede easy pedestrian passage, or trap drifting sediments;
  - e. Create additional dry land mass except where the additional land mass will restore degraded ecological functions; and
  - f. Cause irreversible long-term loss of near-shore habitat.
10. The size and mix of new materials to be added to a beach as part of an approved beach restoration program shall be as similar as possible to the natural beach sediment, but large enough to resist normal current, wake or wave action at the site.
11. Beach enhancement shall be designed to minimize adverse impacts on spawning, nesting, or breeding habitat and so that littoral drift of the materials enhancement shall not adversely affect adjacent spawning grounds or other areas of biological significance.
12. The County may grant relief from shoreline master program development standards and use regulations resulting from shoreline restoration projects within urban growth areas consistent with criteria and procedures in WAC 173-27-215.

#### C. Shoreline vegetation maintenance.

1. Unless otherwise specified, all shoreline use and development, including preferred uses and uses exempt from permit requirements, shall comply with the buffer provisions of ICC 17.05A.090.H to protect and maintain shoreline vegetation and habitat. This section below applies to the removal of vegetation unrelated to normal permitted construction.
2. Removal of native vegetation shall be avoided, where feasible. Where removal of native vegetation cannot be avoided, it shall be minimized to protect ecological functions.

Commented [MP46]: State periodic update item

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Commented [MP48]: Moved from 17.05A.090.K



- a. If native vegetation is to be removed, then replanting shall be required consistent with the shoreline buffer enhancement standards of ICC 17.05A.090.H, except that planting shall be within the shoreline jurisdiction and in a location where most appropriate based on ecological and site characteristics.
3. Removal of non-native vegetation within shoreline jurisdiction may be allowed pursuant to the following standards.
  - a. If non-native shrubs and herbaceous vegetation is to be removed, then it shall be replaced with an equal square footage of native vegetation at appropriate natural densities within the shoreline jurisdiction where most appropriate based on ecological and site characteristics.
  - b. If non-native trees are to be removed, then they shall be replaced with native trees at a ratio of 1:1.
  - c. When the removal of non-native vegetation in accordance items a and b above occurs outside of the shoreline buffer, monitoring shall not be required for the replacement native vegetation.
4. Native plant materials that are equivalent to those which would typically occur with respect to size, structure, and diversity at maturation shall be used in mitigation, restoration, rehabilitation, or enhancement projects.
5. Natural features such as snags, stumps, logs, drift logs, or uprooted trees shall be left undisturbed to support fish and other aquatic systems, except where they would adversely affect navigation or represent a human health or safety risk.
6. Proponents of all new shoreline uses or developments shall demonstrate that site designs and layouts are consistent with the policies of this section to ensure shoreline functions, values, and processes are maintained and preserved. A shoreline permit or written statement of exemption shall not mandate, nor guarantee, unobstructed horizontal or lateral visibility of the water, shoreline, or any specific feature near or far.
7. Topping trees is prohibited, except as allowed for hazard trees as described below in item 10 of this section.
8. Selective pruning or thinning of trees for safety or view protection or maintenance may be allowed when the following applies :
  - a. Removal of no more than twenty-five (25) percent of the canopy of any single tree (calculated based on the area of the crown, or upper portion(s) comprised of branches and leaves or as determined by a certified arborist) in any given five-year period; or
  - b. . No more than twenty (20) percent of the limbs on any single tree may be removed and no more than twenty (20) percent of the canopy cover in any single stand of trees may be removed in a given five-year period.
  - c. Pruning shall comply with the National Arborist Association pruning standards.
  - d. If the tree has been determined to be a hazard tree as determined by a certified arborist then the standards of section 10 below apply.9. The Shoreline Administrator may deny a request or condition approval of vegetation management or removal proposals for view maintenance if it is determined the action will result in an adverse effect to any of the following:

- a. Slope stability;
- b. Habitat value;
- c. Health of surrounding vegetation;
- d. Risk of wind damage to surrounding vegetation;
- e. Nearby surface or ground water; or
- f. Water quality of a nearby water body.

10. Removal of a hazard tree or trees may be allowed pursuant to the following conditions:

- a. a hazard tree risk assessment is provided by a certified arborist demonstrating that the tree is a hazard tree, that it poses a threat to an existing permitted structure, or utilities;
- b. in determining appropriate measures for addressing a hazard tree, the action shall be limited to the minimum necessary to alleviate the hazard as recommended by the certified arborist;
- c. in all cases, the stump of the tree shall be left in place, consisting of the root-ball and a minimum of two feet of the above-ground trunk, unless otherwise recommended by the certified arborist;
- d. the portions of the tree removed must be retained on site for the purposes of providing additional wildlife or marine habitat, unless otherwise recommended by the certified arborist;
- e. disturbance of other native shoreline vegetation should be minimized during removal of the hazard tree;
- f. when the hazard tree is located within a geologically hazardous area, the submittal of a geotechnical analysis will be required; and
- g. when a hazard tree within shoreline jurisdiction is removed rather than pruned, replanting shall be required at a ratio of 1:1.

11. Clearing by hand-held equipment of invasive or non-native shoreline vegetation or plants listed on the state noxious weed list is permitted in shoreline locations if provision is made for re-establishment of native vegetation in the disturbed area consistent with 17.05.090.K.3. Ground based motorized equipment may be used if accompanied by a plan for the re-establishment of native vegetation, and with prior written approval of the Shoreline Administrator.

12. Aquatic weed control may be allowed for passive recreation purposes including swimming and boating access from a dock or the shoreline, pursuant to the Washington Department of Fish and Wildlife 2015 Aquatic Plants and Fish pamphlet and successor pamphlets. Use of chemical methods of weed control shall only be allowed when done by a qualified professional, in compliance with the rules of the Department of Ecology, Department of Agriculture and Department of Natural Resources, pursuant to chapters 173-201A, 16-228, and 222 WAC.

**Commented [MP49]:** Copied from the critical areas ordinance, ICC 17.02B

D. **Grading and filling.** Grading and filling must be consistent with chapter 11.01 (land development standards) and chapter 11.02 (clearing and grading requirements) and may be permitted in shorelines only as follows:

1. Fill may be permitted below the ordinary high water mark only:

...

2. Fill in flood hazard areas identified on the Flood Insurance Rate Maps (FIRMs) is not allowed unless the director finds that no feasible alternative exists. Land clearing, grading, filling, and altering of wetlands, natural drainage features and topography are limited to the minimum area necessary for driveways, buildings, and views, and must conform with critical area requirements and SMP setbacks. It is the property owner's responsibility to obtain required state and federal authorizations for work in wetlands, streams or shoreline waters.

**Commented [MP50]:** From San Juan County, adapted for Island County

3. Fill above or below the ordinary high water mark shall comply with the following regulations:

- a. The extent of filling and excavation allowed shall only be the minimum necessary to accommodate an approved shoreline use or development and with assurance of no net loss of shoreline ecological functions and processes;
- b. Grading and filling shall be located, designed, and constructed to protect shoreline ecological functions and ecosystem-wide processes and mitigation shall employ the mitigation sequence in section 17.05A.090.C.7;
- c. Excavation and fill shall not be permitted if it would adversely affect normal recharge of groundwater supplies, or degrade quantity or quality of groundwater;
- d. Fill material shall be of a quality, and so placed and contained, as to not cause water quality degradation. Solid waste and other hazardous materials shall not be used as fill material;
- e. Sanitary landfill sites are prohibited within all shoreline designations;
- f. The perimeter of all excavation and filling areas shall be provided with means to control erosion, such as vegetation, retaining walls or other mitigation measures; and
- g. Applications that include placement of fill as a project element shall include the following information:
  - (i) Physical, chemical and biological character of fill material;
  - (ii) Source of fill material;
  - (iii) Method of placement and compaction; and
  - (iv) Method of perimeter erosion control.

4. The following requirements apply to land clearing, grading, filling, or alteration of natural drainage and topography for residential construction:

- (i). Land clearing, grading, filling, or alteration of natural drainage and topography shall be limited to the area necessary for driveways, buildings, and view and solar access corridors. Cleared surfaces not to be covered with gravel or impervious surfaces shall be replanted promptly with native or compatible plants



(i.e., groundcovers or other plant materials adapted to site conditions which will protect against soil erosion). This applies to individual construction and shoreline subdivisions. Existing vegetation shall be used to visually buffer structures as viewed from the shoreline, public roads, and adjoining properties. All applications for new construction and subdivisions shall identify trees that are proposed to be removed. If trees are to be removed beyond those required to construct a single-family residence, then a tree removal plan shall also be submitted. The plan shall:

- (1). Identify the proposed building areas, driveways, and view corridors; and
- (2). Demonstrate how existing natural screening will be retained while providing for construction, views, and sunlight.

5. All building permit applications for new nonresidential construction, uses, structures or activities must show all trees on the site plan and identify any trees proposed to be removed. If trees are to be removed at other times, a tree removal plan must be submitted to the department for review and approval. Site and tree removal plans must:

- a. Identify the proposed and existing building areas, driveways, and view and solar access corridors;
- b. Demonstrate how natural screening will be retained while providing for construction, views, and sunlight; and
- d. Include a report by a certified arborist for any hazard tree removal.

**Commented [MP51]:** From San Juan County, adapted for Island County

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#### **E. Dredging and dredged material disposal.**

...

#### **F. Breakwaters, jetties, groins, tide gates and weirs.**

...

1. Breakwaters, jetties, groins, tide gates, and weirs located waterward of the OHWM shall be allowed only where necessary to support water-dependent uses, public access, or other specific public purpose.

...

7. Replacement of existing breakwaters, jetties, groins, tide gates, or weirs shall be regulated as new structures in accordance with the provisions of 17.05A.110.E above.

...

20. For new waterfront subdivisions, planned residential developments, multi-family residences, and inns permitted on or after December 15, 2016 only joint use docks and piers may be permitted.

**Commented [MP52]:** Double check effective date

21. Unsafe docks, piers, and floats shall be removed or repaired by the owner in accordance with this section, 17.05A.110.B.21.

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